

FOX ROTHSCHILD LLP

By: Francis V. Cook, Esquire
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Attorneys for Defendants
Glory Foods, Inc., and McCall Farms, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Ellsworth D. Patterson, Jr. and
Karen Patterson, individually & as h/w,

Plaintiffs,

vs.

Glory Foods, Inc.; McCall Farms, Inc.;
and John Does 1-10,

Defendants.

Civil Action

Docket No.: 3:10-cv-06831-FLW-TJB

**NOTICE OF MOTION TO PARTIALLY
DISMISS PLAINTIFFS' COMPLAINT
WITH PREJUDICE**

TO: Ellsworth D. Patterson, Jr. and Karen Patterson

COUNSEL: Matthew B. Weisberg
Weisberg Law, P.C.
7 South Morton Avenue
Morton, PA 19070

PLEASE TAKE NOTICE that the undersigned, attorneys for Defendants Glory Foods, Inc., and McCall Farms, Inc., hereby move before the United States District Court for the District of New Jersey, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an Order partially dismissing Plaintiffs' Complaint with prejudice.

PLEASE TAKE FURTHER NOTICE that, in support of their motion, Defendants rely on the concurrently submitted Memorandum of Law and Certification of Counsel. A

proposed Order also is concurrently submitted.

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument if any opposition is filed.

FOX ROTHSCHILD LLP
Attorneys for Defendants

By: /s/ Francis V. Cook
Francis V. Cook

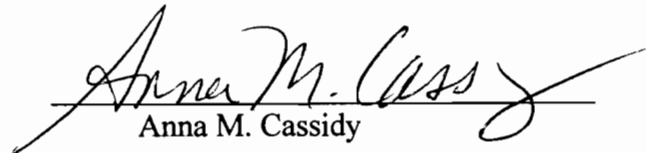
Dated: February 11, 2011

CERTIFICATE OF SERVICE

On this date, I served a true copy of the foregoing Notice of Motion, Memorandum of Law, Certification of Counsel, and proposed Order on Plaintiffs by sending same *via* Federal Express and electronic delivery to:

Matthew B. Weisberg
Weisberg Law, P.C.
7 South Morton Avenue
Morton, PA 19070

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Anna M. Cassidy

Dated: February 11, 2011